

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

DAJUAN SAUNDERS,

Petitioner

v.

SUPERINTENDENT THOMAS  
MCGINLEY, *et al.*,

Respondents

Civil No. 4:20-cv-409

(Judge Mariani)

FILED  
SCRANTON

OCT 04 2022

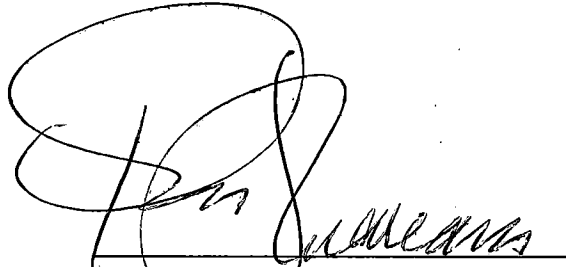
PER

DEPUTY CLERK

**ORDER**

**AND NOW**, this 4th day of October, 2022, upon consideration of the Order of the United States Court of Appeals for the Third Circuit (Doc. 49, *Saunders v. Superintendent Coal Township SCI, et al.*, No. 22-2830 (3d Cir. Oct. 4, 2022)), remanding the matter for the sole purpose of either issuing a certificate of appealability or stating reasons why a certificate of appealability should not issue, and because a certificate of appealability should be issued only when a petitioner has made a substantial showing of a denial of a constitutional right, 28 U.S.C. § 2254(c)(2), and because a certificate of appealability is required to appeal from the denial of a Rule 60(b) motion, *see Bracey v. Superintendent Rockview SCI*, 986 F.3d 274, 283 (3d Cir. 2021) (reaffirming *Morris v. Horn*, 187 F.3d 333 (3d Cir. 1999), and holding that a certificate of appealability is required to hear an appeal from the denial of a Rule 60(b) motion), the Court concludes that Petitioner has not made the requisite showing in this case based on the conclusions set forth in the August

24, 2022 Memorandum and Order denying Petitioner's Rule 60(b) motion for relief from judgment (Docs. 42, 43), and the Court thus **FINDS THAT** there is no basis for the issuance of a certificate of appealability and **IT IS HEREBY ORDERED THAT** no certificate of appealability shall issue.



Robert D. Mariani  
United States District Judge